



Law  
RCE  
3724

PTO/SB/30 (09-03)

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# Request for Continued Examination (RCE) Transmittal

Address to:  
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Alexandria, VA 22313-1450

Application Number	10/051,556
Filing Date	01/17/2002
First Named Inventor	Henry Wang
Art Unit	3724
Examiner Name	Flores Sanchez, Omar
Attorney Docket Number	10065-001

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- iii. ☐ Information Disclosure Statement (IDS)
- ii. ☐ Affidavit(s)/ Declaration(s)
- iv. ☐ Other \_\_\_\_\_

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(l) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, or credit any overpayments, to
- a. ☐ Deposit Account No. \_\_\_\_\_
- i. ☐ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Check in the amount of \$ 395.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	David G. Maire	Registration No. (Attorney/Agent)	34.865
Signature	<i>David G. Maire</i>	Date	December 20, 2004

### CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Juliana Maire	Date	12-20-2004
Signature	<i>Juliana Maire</i>		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Henry Wang

Group Art Unit: 3724

Serial No. 10/051,556

Examiner: Flores Sanchez, Omar

Filed: 01/17/2002

Title: STRADDLE SAFETY PUSHER SYSTEM

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REPLY UNDER 37 C.F.R. 1.111

This paper is in response to the Office Communication dated 10/20/2004. This paper is being filed concurrently with a Request for Continued Examination of the application.

In this paper, the claims are amended and remarks are provided in support of the allowance of the amended application. A record of a teleconference between the inventor, the Examiner and the undersigned attorney is also included, beginning on the next page.

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## RECORD OF TELEPHONE CONFERENCE

A telephonic interview was conducted on 14 December 2004 among Examiner Omar Flores Sanchez, applicant Henry Wang, and the applicant's undersigned attorney.

No exhibit was shown and no demonstration was conducted.

The prior art discussed included United States patents 1,710,718 issued to Stotz; 2,522,965; Des. 342,658 issued to Gakhar; and issued to Schaufelberger.

The claims discussed were independent claims 18 and 22.

The claim 18 limitation of "at least two co-planar work piece-contacting surfaces" was discussed with respect to those portions of the Stotz device that make contact with the shoe. The Examiner indicated that a further limitation that the work piece-contacting surfaces are co-planar relative to a surface of the work piece would be considered to differentiate claim 18 from the Stotz device.

The parties speculated about the function of the Gakhar device, since the design patent provides nothing more than a picture of the device. The title of the patent suggests that the device is designed to span over the guide bar (guide fence) and to engage a work piece with one of the notched legs of the device. The Examiner indicated that by claiming a "flat surface for sliding along a fence" rather than the currently claims "flat surface for movement along a fence" would be considered to differentiate claim 18 from the Gakhar device.

With regard to the claim 22 limitation of "at least two work piece-contacting surfaces", the Examiner explained that the Schaufelberger patent shows the work piece being touched by the work engaging member 50 and by the side of the guide bar 15. The Examiner indicated that a further limitation that the work piece-contacting surfaces are co-planar relative to a surface of the work piece would be considered to differentiate claim 22 from the Schaufelberger device.

The Examiner further indicated that the above-described claim amendments would not be entered via an amendment under 37 CFR 1.116.

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